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INSTITUTE OF GOVERNMENT

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CHARLOTTE-MECKLENBURG SURVEY

1949

Charlotte-Mecklenburg Survey Introduction and Background

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I

INTRODUCTION

Invitation to Survey

Several months ago the morning mail brought to the Institute of Government the following invitation to study the possibilities of consolidating the governmental units and activities of the City of Charlotte and the County of Mecklenburg:

"Those of us in public life very often receive constructive suggestions from our local press and it is through informative articles in the Charlotte News, the Carolinas' leading afternoon newspaper, that the City Government, City Council, and the County Commissioners have decided to have a survey made on the consolidation of their operations.

"Both the City Council and the County Commissioners have voted unanimously to ask you and your organization to make a survey in an effort to find out whether or not it is feasible to consolidate the City Government and the County Government into one governing body for Charlotte and Mecklenburg County.

"This is to instruct you to proceed with this factual survey. If there is any expense incurred towards doing it properly, the City Council and the County Commissioners stand ready to underwrite this expense provided we are informed in advance.

"We look forward to your early start and suggestions when the survey is completed."

Hazards of Survey

On reading this invitation to his colleagues, the Director of the Institute of Government, remarked that he could have wished this cup had passed from his lips; that it was more dangerous than powder or dynamite and possessed all the explosive qualities of the atomic bomb with resulting politico-activity fully as hazardous as radioactivity; that the person who made two blades of grass or two offices or two



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governmental units grow where one grew before was fit subject for a halo in official and would-be official eyes, but if he reversed the process and made one blade of grass, one office, or one governmental unit grow where two grew before, he was fit subject for the cross with little hope of political resurrection.

Efforts to consolidate local school districts within county limits in the early 1920's unhorsed county school superintendents and drove at least one out of his county. The Brookings proposal to consolidate county units and state agencies in the early 1930's all but unhorsed the existing state administration sponsoring the study that dared to raise the issue. For years after the statewide school consolidation in 1933, the accredited representative of the state school commission was greeted in state and national gatherings of school officials as the bastard child appearing at the family reunion. The proposal to consolidate the city and county of Durham during the depression did not get beyond the local Chamber of Commerce and the city and county governing boards. The proposal to consolidate Charlotte and Mecklenburg got through the General Assembly but did not get to the people. The proposal to consolidate Wilmington and New Hanover did not get beyond the people--who beat it in every ward and precinct at the polls.

Time has not pulled the punches exchanged around this fighting issue of the 1930's, as indicated by the following excerpts from an open letter carried as a full page advertisement in a recent issue of The Waynesville Mountaineer, signed by one hundred forty "veterans who love Christian Democracy", "paid for by veterans and friends," and addressed to their local representative in the General Assembly:

"Dear Sir:

"We, as former members of the United States Armed Services, are quite disturbed over your pending bill to consolidate the Towns of Hazelwood, Waynesville, and the Allens Creek Community....

"...In plain simple, everyday language, we see no difference between your methods and those used by Mussolini, Hitler, Tojo, or Stalin. Why? Did any of these dictators consult their people about any undertakings affecting them?....

"Yes, we will have to agree in all humility - Christ had his Judas, our Country has had its Benedict Arnold and Pearl Harbor; but we pray to Almighty God that we will never have to say "AND WE HAVE HAD OUR GROVER DAVIS!"

This is an instinctive and typical reaction. People organize local units of government for their own convenience and hire and pay the personnel to run them. Habits grow up around these units and lengthen into traditions. Emotions grow up around them and lengthen into loyalties. The "outs" may wage political campaigns to "turn the rascals out." The "ins" may wage campaigns to keep the "faithful servants" in. But "ins" and "outs" are likely to turn tooth and toe nail upon those who "presume to lay their hand upon the ark"--which one possesses and the other desires.

Scripture comes to their assistance: "Uzzah put forth his hand to the ark of God, and took hold of it; for the oxen shook it. And the anger of the Lord was kindled against Uzzah, and God smote him there for his error; and there he died by the ark of God." This ancient Scripture finds modern support in recent communications from smaller town officials within the circumference of Mecklenburg and the shadow of Charlotte on hearing of this consolidation study: that secession of the Southern States from the union may have failed in the 1860's, but secession of little towns from Mecklenburg County might be attempted with better success in the 1940's; that there might be some doubt about the Mecklenburg Declaration

of Independence in 1775, but there would be no doubt about the effort to write a new one in 1949. These communications--oral and direct, without any qualifying "ifs", "and", or "buts", carry words to the wise with sufficient hint that proponents of consolidation plans may find themselves in Uzzah's fix.

"There is only one thing more dangerous than taking up this invitation," the Institute Director continued, "and that is turning it down". The Institute of Government was conceived in the 1920's and organized in the 1930's for the continuing study of the structure and workings of government in the cities, the counties, and the State of North Carolina, together with their interlocking, overlapping, and conflicting relationships. The studies invited by the City of Charlotte and the County of Mecklenburg are well within our line of fire. All we can ask of the Charlotte-Mecklenburg officials is freedom to go about these studies in our own way.

Plan of Survey

We started with the local news stories specifically suggesting the Consolidation of (1) city and county health agencies, (2) city and county law enforcing agencies -- including police, courts, and jails, and (3) city and county tax collecting agencies. We went directly to the heads of these agencies; worked as apprentices in their offices with their assistants and under their direction until we understood everything they did and how and why they did it; wrote down our findings and checked their accuracy with each department head until we agreed upon the facts involved, irrespective of the conclusions to follow; compared their respective procedures, pointed out the advantages and disadvantages of separate and

consolidated operations, and discussed these advantages and disadvantages in joint sessions with city and county department heads in the effort to arrive at common understandings and agreements.

We told these department heads that they would be the first and not the last to learn our findings and conclusions; that we would correct any findings they could show us were in error and write into our reports any differing opinions they might have on our conclusions and the reasons for the differences so as to give them the benefit of every doubt coupled with the guarantee of a notice and a hearing on every issue affecting them and their departments.

Officials Requested to Find Fault

To the last jot and tittle we have kept this pledge. Not one word of our tax collection studies went to city and county managers or governing boards until we had combed them with a fine tooth comb in hours of discussion with city and county tax collectors, tax attorneys, and tax supervisors separately and together and ironed out every factual difference relevant to consolidation issues. Not one word of our law enforcement studies went to city and county managers or governing boards until we had combed them with a fine tooth comb in hours of discussion with city and county police chiefs, prosecuting attorneys, and recorder's court judges and ironed out every factual difference relevant to the consolidation issues. Not one word of our health department studies went to city and county managers or governing boards until we had combed them with a fine tooth comb in hours of discussion with city and county health department heads and ironed out every factual difference relevant to consolidation issues. And so of all of the studies we have made.

After going over our findings and conclusions with city and county department heads and asking them to find all the faults they could, we went over them in twenty-five to thirty hours of conferences with the city and county managers -- asking them to find all the faults they could. In December 1948 we went over them in detail in a series of conferences with the county governing board. In January 1949 we started going over them in a series of weekly conferences with the city governing board which continued until five out of seven of the members decided to withdraw from public office at the expiration of their terms and suggested that these conferences go forward with the new board coming in with spring elections after it acquired a working knowledge of city problems during the summer and fall. Pursuant to this plan we are reporting to the new city governing board as fast as it can find the time to hear us.

People Requested to Find Fault

And thereafter, with the knowledge, consent, and approval of these city and county governing boards, we are taking our findings and conclusions through the press to the people of Charlotte and Mecklenburg with the request that they find all the faults they can and write in all comments and questions occurring to them to the Institute of Government in care of the City Manager in the city hall, or to the County Manager in the county courthouse. With their knowledge, consent, and approval, we are inviting individual officials, together with representatives of civic and professional organizations of men and women in Charlotte and Mecklenburg, to follow up their reading of the newspaper summaries with systematic and thoroughgoing studies of these findings and conclusions, and we are giving one hundred mimeographed copies of the full reports as they are

released to the City Manager in the city hall, one hundred copies to the County Manager in the county courthouse, to be loaned out in succession for this purpose. Institute staff members will follow their reports through these readings and discussions by individuals and groups, re-examine their findings and conclusions, and rewrite their reports in final form in the light of the comments and criticisms the people of Charlotte and Mecklenburg can offer.

We asked for a free hand and we got it--so free a hand that any shortcomings appearing in these reports must be laid at the doors of the Institute of Government and not at the doors of the Charlotte-Mecklenburg officials; so free a hand that if any official has withheld any information we asked for, we have not yet been smart enough to find it out. We could ask no more of the people of Charlotte and Mecklenburg than that they face the issues involved with the same open-minded, honest and inquiring spirit their officials faced with them. We have not left out any fact nor soft pedaled any factor we found relevant to these issues. We are prepared to go in quest of further facts throwing light on new issues becoming relevant from private studies and open discussions beginning with release of these reports. We are prepared to continue this quest as long as the people of Charlotte and Mecklenburg continue their efforts to go to the bottom of the problems involved in city-county relationships.

Officials and People to Decide

It is beyond the plan and purpose of these studies to tell the governing boards of Charlotte and Mecklenburg whether they ought to consolidate their functions or their units in whole, in part, or not at all, or to

give partisan aid and comfort to any person or groups of persons favoring or opposing the consolidation of units in general or functions in particular. From its beginning, the Institute of Government has formulated and followed the policy that it will not lift a finger to lobby for or against anything or anybody, no matter how good or how bad, either in the legislature or out. It is within the plan and purpose of these studies to give the Charlotte-Mecklenburg governing boards, chosen by the people and responsible to them alone, facts which will help them to decide whether they will recommend consolidation, in whole, in part, or not at all. This is a responsibility that, under the law, the Constitution, and their oaths of office, they could not side-step if they would, and from the experience of working with them, we are sure they would not side-step it if they could. It is also within the plan and purpose of these studies to point how far the city and county governing boards can go in the direction of consolidation within the limits of their present powers, within the limits of the present powers of the General Assembly, and with the aid of amendments to the Constitution.

II

COUNTY OF MECKLENBURG

In 1663 Charles II, King of England, granted the "Province of Carolina" to eight of his "right trusty and well-beloved cousins," known to history as the "Lords Proprietors." Pursuant to this grant the Lords Proprietors appointed a Governor, authorized him to select six to twelve councillors and to govern the Province by and with the assent of "the freemen of the Province" or their "delegates or deputies." Pursuant to this authorization these officials divided the "Province" into counties, as settlers moved from the North and South along the eastern seaboard, and westward through the piedmont to the mountains and beyond.

Creation and Boundaries

In 1762 Mecklenburg County was created out of Anson, for the assigned reason that "it is greatly inconvenient for the inhabitants to attend the Court of Aforesaid County, General Musters, and other public duties by Law required." The South Carolina line was its southern border, the Anson County line its eastern border, the Rowan County line its northern border. Its western border was left uncharted until the westward push of settlers called Tryon County into being in 1768 -- divided into Lincoln and Rutherford Counties in 1778. Cabarrus County was created out of Mecklenburg in 1792 -- with the line between them wavering until 1804; and Union County out of Mecklenburg and Anson in 1842. The boundaries of Mecklenburg have followed these lines to this day -- including 549 square miles of territory and 353,360 acres. Within these boundaries came the

people -- 10,439 by 1800, 13,914 by 1850, 55,268 by 1900, 151,826 by 1940 -- with an estimated 177,701 by 1949.

Mecklenburg County came into being primarily as an administrative agency of the "Province" until 1776 and of the state thereafter, to effectuate statewide legislative policies formulated by the General Assembly. Its governing body from 1762 to 1868 consisted of the Justices of the Peace of the County acting through the County Court, and of five County Commissioners from 1868 to 1949. After 1762 the county was divided into a variety of special districts, and after 1868 township subdivisions were added to the picture.

County Services

From the beginning the statewide legislative policies this governing body was organized to effectuate within the limits of Mecklenburg County included: (1) entering settlers on the land and (2) connecting them with roads; (3) recording their deeds, mortgages and conveyances; (4) probating their wills and settling their estates; (5) appointing their guardians, binding out their orphans, and indenturing their servants; (6) caring for their indigent sick and afflicted poor; (7) providing standard keepers for their weights and measures, and inspecting products for shipment and sale beyond the borders of the state; (8) keeping the peace and settling disputes through the administration of Justice in the Courts.

New responsibilities were added with the years, including: (9) a "system of Common and Convenient schools" for the instruction of youth in the 1830's; (1) the systematic beginning of public health activities in the 1880's; and since the turn of the century (11) public library

servicos; (12) agricultural services; (13) public welfare services; (14) fire protection services; and (15) a variety of incidental activities. From 1762 to 1868 many of these countywide policies were effectuated through special district subdivisions; from 1868 to 1875, through township subdivisions; and since 1875, through a variety of special districts suited to particular purposes.

County Personnel

From 1762 to 1868 the General Assembly authorized the County Court to add personnel to perform these added duties including: the entry taker, surveyor, register of deeds, and clerk of court; overseers of the poor, overseers of roads, and superintendents of schools; sheriff, constable, coroner, jailer, and patroller; superintendent of buildings; standard keepers and inspectors of products for foreign sale. From 1868 to 1949 it has authorized the addition of many more, including: health officers, farm and home demonstration agents, welfare officers, librarians, rabies inspectors; electrical inspectors, tax supervisors; and throughout the years from 1762 to 1949, special district and township officials have come and gone with the ups and downs of their particular subdivisions.

Since the turn of the century "offices" have expanded into "departments" and departmental personnel has multiplied with increasing governmental services. To illustrate: the one man office of Register of Deeds has expanded to a department of nine; the Clerk of Superior Court, to a department of seventeen; the Sheriff, to a department of ten on the civil side and forty rural policemen succeeding to his criminal law enforcing duties; the Welfare Officer to a department of fifty-one; until the total number of county employees in 1949 runs into the hundreds.

County Property

From 1762 to 1949 the General Assembly has authorized the acquisition of property to house these county functions and the personnel involved in their performance. The first property acquired by Mecklenburg County was the gift of 360 acres of land from Lord Selwyn to John Fro buck, Abraham Alexander, and Thomas Polk in trust for the county, to be used for a courthouse site and for the sale of residential lots; and the next acquisition was the courthouse, jail, pillory, and stocks built on this site. For a long time these acquisitions of property were authorized by special acts, as the county home in 1837; and later by general laws authorizing specific types of acquisitions, as school grounds and buildings in 1839. By 1868 general laws were authorizing the county governing body to "purchase property necessary for any county building...and to erect the necessary county buildings." Acquisition through contract has been supplemented by acquisition through eminent domain, until today county-owned property in Mecklenburg adds up to around seven and a half million dollars in value.

County Financing

From 1762 to 1949 the General Assembly has authorized the charging of fees, the command of labor, the levy of taxes and the issue of bonds to finance these undertakings. From colonial beginnings throughout the 1800's to the turn of the century most county officials were paid in fees by particular persons for specific services. From colonial beginnings to the closing years of the 19th century the county roads were worked by citizen labor commandeered for a number of days each year. The legislative

act creating the county in 1762 authorized "a poll tax of three shillings...on each taxable person...for building the courthouse, jail, pillory, and stocks." The laws of 1777 authorized the county court "to levy a tax for discharging their contracts and agreements and other necessary purposes." In 1815 taxes levied pursuant to this power by the county court had risen to 21¢ on the poll and 7¢ on the \$100 worth of land; and in 1848 to 35¢ on the poll and 19¢ on \$100 worth of land. The 1868 constitution limited the poll tax to \$2, the property tax to 66 2/3¢ on the \$100 value for state and county purposes, tied the poll and property tax together in an equation to prevent the poor from soaking the rich and the rich from soaking the poor, and left the county a pathway out of this bind by permitting added levies "for a special purpose with the special approval of the General Assembly." The 1920 amendments to the constitution permit a poll tax levy of \$2, a property tax levy of 15¢ on \$100 value which may be exceeded for a special purpose, a further levy for school purposes in excess of the 15¢ limitation, a variety of license taxes and fees for special services, and by A.B.C. store revenues since 1947. To the foregoing tax limitations faced by Mecklenburg County in succession since the days of civil war and reconstruction, the 1868 constitution added a debt limitation prohibiting the incurring of any debt without a vote of the people except for "necessary expenses," and a 1936 amendment added the further limitation that even for "necessary expenses" the county could not borrow in any one year in excess of two-thirds of the amount by which its bonded debt was reduced the year before.

^{III} CITY OF CHARLOTTE

Creation and Boundaries

The City of Charlotte was foreshadowed in the legislative act of 1762 creating the County of Mecklenburg, fixing the county seat on 360 acres of land to be "laid off" in part "into a town and common" and in part "into lots of half an acre each." In 1768 the General Assembly provided "that the said three hundred and sixty acres of land, so laid off... be, and the same is hereby constituted, erected, and established, a town and town common, and shall be called by the name of 'Charlotte'", for the assigned reason "that by reason of the Healthiness of the place aforesaid, and convenient situation thereof for trade, the same might soon become considerable, if it was erected into a town by lawful authority." In 1801 the General Assembly gave it the official name of "Commissioners of the Town of Charlotte," in 1866 - "The Board of Aldermen of the City of Charlotte," in 1881 - "The City of Charlotte," which continues to this day.

The 360 acre beginning of 1768 covering a little over one-half of a square mile expanded to a little over $1\frac{1}{2}$ square miles by 1851, $2\frac{3}{4}$ square miles by 1885, 13 square miles by 1907, $19\frac{1}{2}$ square miles by 1927, 29.6 square miles by 1949. Within these boundaries came the people -- 1,065 by 1850, 18,091 by 1900, 100,899 by 1940, with an estimated 139,529 by 1949.

The towns of Huntersville and Pineville were created within the limits of Mecklenburg in 1872, followed by the towns of Davidson and Matthews in 1879, followed by the town of Cornelius in 1905.

City Services

The governing body of Charlotte in 1768 was charged with the responsibility of drawing up a plan of the 100 acres "laid off for a town," including the laying out of streets, selling and deeding the half acre lots, and requiring every buyer to build "one well framed, sawed or hewed log house, twenty feet in length, and sixteen feet wide, high in the clear, with brick or stone chimney." It undertook or was authorized to undertake accumulating services with the years: by 1774, to prevent "the frequent firing of guns, running horse races and playing at long bullets, in the said town"; by 1801, to repair streets, appoint patrols for guarding the streets at night, and to make rules and regulations necessary to the better government of the town; by 1815, to dig wells and erect pumps, and "to suppress all riotous disorderly assemblies" and other breaches of the peace; by 1826, to safeguard the public health by preventing "as far as practicable the smallpox from spreading in and from the town," by requiring a particular citizen to remove stagnant water from his property, and later requiring hog pens to be cleaned; by 1851, to organize and regulate volunteer fire companies; by 1852, to build a market house; by 1866, to purchase land for use as parks; by 1880, to build a graded school; by the 1880's and 90's, to operate waterworks providing running water, dispose of sewage, and give franchise for providing transportation, selling gas and electricity, and lighting streets; by the 1900's, to prescribe building regulations, zone the city, collect garbage, build incinerators, and multiply existing services in the fields of health and welfare.

City Personnel

The General Assembly authorized the city governing body to add personnel to perform these added duties from time to time: in 1768, to appoint a treasurer; in 1801, a tax collector, clerk, street overseer, and night patrols; in 1852, two policemen and a town attorney; a sanitary officer in 1879 as forerunner to a health officer in later years; and so on until particular officials and employees were charged with the performance of specific functions. By degrees these offices grew into departments manned by many men. To illustrate: The city health officer has expanded to a department of eighty-eight; the street overseer into a department of ninety-five; the fire chief into a department of a hundred fifty-nine; the police officer into a department of a hundred sixty-three; until the total number of city officials and employees runs into the hundreds.

City Property

The General Assembly authorized the acquisition of property to house these city functions and the personnel involved in their performance. The legislative act creating the city authorized five "directors and trustees" to accept title to the land laid off as a "town and common"; followed in later years by authority to build a city hall, city market, city waterworks and sewage disposal plant, city fire and police and health buildings; until today the value of city property runs into the millions.

City Financing

From 1768 to 1949 the General Assembly has authorized the command of labor, the levy of taxes, the charging of fees, and the issue of bonds to finance these undertakings. Citizens volunteered or were commandeered to serve on the town watch, fight fires, work on the streets, supply their own water, dispose of their own sewage and garbage, and perform a multiplicity of undertakings left to private enterprise. The first revenues came into the city's coffers from the sale of lots, the imposition of fines and penalties, and the charging of occasional fees for particular services. Later, taxes were authorized by the General Assembly or initiated by the City: by 1801, an annual tax on property -- "just and equitable"; by 1824, a tax of \$1 on each "taxable male" in lieu of street work; by 1825, a tax of 10¢ on \$100 value in property for general purposes; by 1839, a license tax on grocers, retailers of spirits, merchants, peddlers and entertainment groups; by 1866 a poll tax up to \$10, property tax to 1% on valuations, and privilege license taxes; by the 1900's a poll tax of \$2, property tax of \$1, on \$100 value, and a variety of privilege license taxes; by the 1920's, a property tax of \$1.25 - raised to \$1.50 in 1945, a poll tax of \$1, a growing volume of privilege license taxes, supplemented by water and sewage charges and in later years by garbage fees. To the foregoing tax limitations the 1868 constitution added a debt limitation prohibiting the incurring of any debt without a vote of the people except for "necessary expenses," and a 1946 amendment added the further limitation that even for "necessary expenses" the city could not borrow in any one year in excess of two-thirds of the amount by which its bonded debt was reduced the year before.

IV

CHARLOTTE-MECKLENBURG RELATIONSHIPS

City Offers New Services Inside City Limits

In the beginning these overlapping governmental units, pyramiding on the same soil, carried few if any overlapping services. The State of North Carolina acted through the Mecklenburg governing body in the performance of practically all of its statewide services within the limits of Mecklenburg County. The county of Mecklenburg acted through its special district subdivisions and townships in performing many of its countywide services. And it may be said that the county, its townships, and special districts, grew out of the needs of the state for local units of administration to provide the basic services of government guaranteed to all alike.

But the city of Charlotte and the little towns of Mecklenburg, grew out of the needs of people crowded onto half-acre lots--needs unknown to people living on hundred acre farms. To illustrate: when sparks flying from one man's chimney started fires on another man's roof, town people felt a need for fire-fighting services and building regulations which the county never had provided. When a private well and privy for every family on every lot became an economic waste and a healthy living hazard, town people felt a need for a public system of water supply and sewage disposal which the county never had provided. When mosquitoes from a neighbor's stagnant water, flies from a neighbors hog pen or stables, and accumulating refuse from the family table, became next door nuisances with sickness in their wings, town people felt a need for sanitary regulations and garbage collection which the county never had provided.

City Supplements County Services Inside City Limits

Overlapping services began in a supplementing fashion at the point where services provided by the county for people living in rural isolation proved inadequate for people living in urban concentration. To illustrate:

Roads and streets. The lick and a promise given rarely travelled rural roads by county authorities and district overseers was not enough for oft-travelled city streets, and soon people living within the city limits were asking to be relieved from rural road work in order to concentrate their efforts on the city streets. By 1774 every taxable person in Charlotte was required to work on the streets six days a year and by 1815 this street work was extended to include sidewalks. By 1824 the city governing body was authorized to levy a \$1 tax on all taxable persons in lieu of labor on the streets, supplemented by special assessments for building sidewalks 10 feet wide -- curbed with stones or hewed timber six inches above the level of the street. Thus the city street system was differentiated from the county road system and continued as the city built around three hundred miles of city streets while the county was building several hundred miles of rural roads. This city-county differentiating process was carried to the point that the city coming in to supplement county road building efforts remained to supplant them within the city limits, and pointed to the future problem of consolidating city street and county highway systems.

Before this problem became acute the state came into the county road building picture with: technical advice and assistance to county road authorities in 1915, the building of a system of highways connecting one hundred county seats in 1921, the taking over of building and maintaining

all county roads in 1931. It came into the city street building picture with: the building of the county-seat-to-county-seat highways through the city limits in 1921, with the grant of a city street subsidy in 1935, and a doubling of this subsidy in 1949.

Criminal Laws. The criminal laws applying to rural residents throughout the county of Mecklenburg soon proved inadequate for city residents in Charlotte. In 1794 a special act of the General Assembly provided that "no person whatsoever shall shoot with a gun (except it be to kill cattle or hogs) or immoderately ride or strain any horse or horses, or play at long bullets within the said town." This special act beginning was supplemented with power in the city governing body to make "rules and regulations for the better government of the town." A resulting multiplicity of city ordinances has supplemented statewide criminal laws applying throughout Mecklenburg and added to the restrictions on the conduct of citizens of Charlotte, enforced by penalties until 1871 when they were given the dignity of misdemeanors in the criminal law and enforced by punishment in the Courts.

Police. Police protection given by the county sheriff and township constables to the rural residents of Mecklenburg soon proved inadequate to city residents of Charlotte. A frequent lack of disposition in the county officers to enforce those laws applying within city limits only soon emphasized the need for supplemental city action. By 1801 the city governing body was appointing or authorized to appoint persons to "patrol" the streets by night; by 1815, "to suppress all riotous disorderly assemblies," and prevent "criminal trespasses" and "breaches of the peace," and to employ a part-time town constable to supplement the town patrol; by

1852, to hire two full-time policemen, by 1881, to add a police chief, and by 1884, to organize a police department. By 1917 the county added two rural policemen to the sheriff's office for law enforcement work and in 1925 took the rural police away from the sheriff's office and made it a separate department of County Police with county-wide jurisdiction as a matter of law, exercised chiefly outside the city limits as a matter of practice. This City-County differentiating process was carried to the point that city police coming in to supplement the county law enforcing officers have remained to supplant them within the city limits, and thus pointed to the future problem of consolidating city and county police departments.

(The state came in to supplement the County Police in traffic law enforcement with the State Highway Patrol in 1929, to supplement city and county police in general law enforcement with the State Bureau of Investigation in the 1930's, and ABC officers came in to supplement existing city and county police in liquor law enforcement in 1947.)

Courts. The single Justice of the Peace and the county court in operation throughout the county of Mecklenburg from 1762 to 1868 soon proved inadequate for city residents. A rural Justice of the Peace was not always keyed up to the tempo of city life nor always in sympathy with city ordinances to be enforced. The city was authorized to elect an Intendent of Police as the first town executive; later to give him the powers of a Justice of the Peace with jurisdiction over the violation of city ordinances and misdemeanors committed within the city limits; later change his name to mayor and his court to the mayor's court; by 1901, transform the mayor's court into a Recorder's Court with jurisdiction extended to include all criminal offenses within the city limits below the grade of felony. By 1919,

all cases involving juveniles inside and outside the city limits were transferred to the Clerk of the Superior Court, and in 1929 shifted to the Domestic Relations Court along with specific family problems. In 1923 the county supplemented the rural Justices of the Peace with the County Court to try offenders for crimes committed outside the city limits. This City-County differentiating process was carried to the point that for all practical purposes the city coming in to supplement the county courts has remained to supplant them within the city limits, and pointed to the future problem of consolidating city and county courts.

Jails. When the mayor was given the jurisdiction of a Justice of the Peace over offenses committed within the city limits and the growing number of city policemen diverted increasing numbers of offenders from the Justice of the Peace to the Mayor's Court and then to the Recorder's Court, and when the violation of city ordinances long enforced by civil suits for penalties became misdemeanors enforced by criminal process with the punishments of the criminal law attached, a city lockup came into the penal picture to supplement the county jail. This City-County differentiating process was carried to the point that the city lockup coming in to supplement the county jail remained to supplant it for persons committing crimes within the city limits, and pointed to the future problem of consolidating city and county jails.

Schools. The system of rural public schools operating throughout Mecklenburg County soon proved inadequate for city residents. Private donations opened a graded school within the city after the close of the civil war, and in 1874 the General Assembly authorized the city governing body to call a vote on a special tax which carried in 1880 and was set up

in 1882, when the graded school district reaching to Charlotte city limits was differentiated from the county system. This City-County differentiating process was carried to the point that the city coming in to supplement the county schooling efforts remained to supplant them within the city limits and pointed to the future problem of consolidating city and county schools.

City additions to the length of term, the quality of instruction, the character of buildings, and the pay of teachers were followed by county efforts to come up to the city standards. These efforts were aided by the state equalizing fund---steadily increasing after 1900; further aided by the state in the 1930's absorbed city and county school systems in a statewide system and guaranteed a basic schooling program for all children alike, with permission to city and county units to supplement the statewide program with more teachers, higher pay and longer terms; and further aided by the state in 1949 brought belated aid to city and county units in the school building program. Thus the problem of consolidating city and county school systems has passed, in the main, out of the hands of city and county governing boards and into the hands of the State Board of Education, with local consideration still continuing in substantial measure.

Health. The county physician appointed in the 1880's followed by the County Health Board in the 1890's, proved inadequate to the needs of city residents. A city physician was appointed on the heels of a smallpox epidemic in the 1890's, followed by a city health board in the 1900's. These public health beginnings grew into the modern city and county health departments by 1917--the city health department serving

people living within the city limits, the county health department serving people living outside. This City-County differentiating process was carried to the point that the city coming in to supplement county health services remained to supplant them within the city limits, and pointed to the future problem of consolidating city and county health departments.

Finance. For many years after the creation of Mecklenburg County, citizens paid local taxes to the county only--authorized by the General Assembly, usually levied by the county court, and collected by designated county officials. The "just and equitable" property tax authorized for the city in 1801, the poll tax within specified limits, license taxes on specific trades and callings, were levied by city aldermen on county people living within city limits, and collected by designated city officials. Through the years two sets of taxes came to be levied and collected, by two sets of officials, from one set of people. The city taxes coming in to supplement the county taxes did not supplant them even when the city services supplanted the county services within the city limits. As these taxes increased, many people living within city limits felt a growing desire to get out from under the county tax, or the city tax, or both, even if this necessitated doing away with one official, or another, or both, or one unit, or another, or both, but not if it necessitated doing away with one service, or another, or both. In line with this desire, city and county tax listing and assessing agencies have been consolidated, and lifting eyebrows suggest the possibility of consolidating city and county tax collecting agencies, city and county purchasing (tax spending) agencies, city and county tax levying agencies.

City Extends Services Outside City Limits

The push of people beyond the city limits--thickly settling the surrounding territory, created problems for the governing authorities within the city, as well as those without, and the city governing body moved into action--sometimes before and sometimes after it was specifically authorized to act: by 1851, to remove all nuisances, whether arising from stagnant pools or ponds of water, or from any other cause without the limits of said town but sufficiently near to affect the health of the inhabitants of said town"; by 1866, to regulate the sale of wine, malt, or spiritous liquors one mile beyond the city limits; by 1881, to remove all nuisances for one mile beyond the city limits; by 1887, to prohibit magazines or powder storage houses half mile beyond the city limits; by 1889, to extend the operation of all city ordinances one mile beyond the city limits; by 1902, to regulate privies and prohibit erection of livery, sales, or feed stables one mile beyond the city limits; by 1907, to inspect dairies beyond the city limits selling milk within the city; by 1917, to extend "all city ordinances, rules, and regulations--for sanitary purposes, or for the protection of the property of the city" for one mile beyond the city limits in all directions, and to cover the "rights-of-way of all water, sewer, and electric light lines of the city without the corporate limits, of any street railway company or extension thereof, operating under a franchise granted by the city, and upon all property and rights-of-way of the city outside the corporate limits and the above mentioned territorial limits wheresoever the same may be located." During the last thirty years, the city governing board has been authorized to require a map of all subdivisions within a mile beyond the city limits, showing the

location of lots, streets, and sidewalks, to be submitted for approval; to install and maintain water mains, pipes, hydrants, etc., two miles beyond the city limits for fire fighting purposes, make agreements to furnish fire protection twelve miles beyond the city limits, and furnish water and sewage services to residences or industrial plants beyond the city limits. Thus, coming events cast their shadows before and prepared the way for successive and inevitable extensions of the city limits.

County Picks Up Where City Leaves Off

When successive extensions of city services beyond the city limits, followed by successive extensions of the city limits, have not gone far or fast enough, the county governing board has faced the problems of picking up where the city left off and from time to time it has in stop-gap fashion supplied a city service to county residents bordering the city limits--illustrated by its contract with the city for fire department services in this surrounding area. These problems have not been confined to the thickening population fringes bordering the Charlotte city limits--they have appeared whenever people clustered together in scattered communities dotting rural isolation. By 1927 the General Assembly authorized people living within these thickly settled areas anywhere in the county to organize sanitary districts for water and sewage purposes; extended the purposes of these sanitary districts in 1941 to include fire protection; extended these purposes in 1949 to include the removal of nuisances detrimental to health within the district, the control of pig sties and other animal stockyards within the district and five hundred yards beyond, and the exercise of zoning powers within the districts corresponding to the powers of city zoning commissions under the state

law. The people clustering together in these communities have the privilege of going beyond the scope of sanitary districts and incorporating as towns whenever they find sanitary district services falling short of their needs.

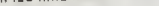
City-County Cooperation

Since the turn of the century, particularly since the 1920's, and more particularly since the 1930's, city-county cooperating points have multiplied, as illustrated by the facts that: (1) the county is paying the city to furnish fire protection and specific health services for rural residents; (2) the city is paying the county for tax listing services, and tax assessing services, library services, weights and measures inspections, for urban residents; (3) county and city contribute fifty-fifty to charity maternal care furnished by local hospitals for rural and urban residents and to the Industrial Home for fallen women; (4) county and city have set up a joint Domestic Relations Court to handle juvenile and family problems throughout the county without regard to city limits; (5) likewise, an ABC Board operates a system of liquor stores serving the whole county and ABC officers enforce the liquor laws throughout the county--inside and outside city limits.

In 1922 county and city went beyond the cooperating point by consolidating their separate health departments into a single countywide health department--lasting until they resumed their separate status ten years later. In 1931 county and city repeated this experiment by consolidating their separate tax collecting departments into a single countywide tax collecting department--lasting until they resumed their separate status two years later. In 1927 a bill introduced into the General Assembly

proposed the extension of Charlotte city limits to the limits of Mecklenburg County, repealing all city charters and vesting general city and county powers in one governing body for the entire territory. In 1946 The Charlotte News carried a series of articles raising anew the question of consolidating city-county functions in particular and city-county units in general. At the request of the city-county governing boards, the Institute of Government has studied these problems and presents the results of these studies under the following headings:

- I. Introduction and Background
- II. City-County Health Departments
- III. City-County Tax Departments
- IV. City-County Police--Courts--Jails
- V. City-County School Systems
- VI. City-County Accounting and Finance
- VII. City-County Personnel: Selection, Tenure, Retirement
- VIII. City-County Purchasing Departments
- IX. City-County Governing Boards
- X. City-County Consolidation Efforts in the United States
- XI. Legal Problems in Charlotte-Mecklenburg Consolidation
- XII. Evolution of County and City Governments in Mecklenburg



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